

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

KEITH BENNETT STUDD,	)	
	)	
Petitioner,	)	NO. CV-02-0060-MWL
	)	
v.	)	<b>ORDER ADOPTING REPORT AND</b>
	)	<b>RECOMMENDATION TO DISMISS</b>
	)	<b>PETITION WITH PREJUDICE</b>
DOUGLAS WADDINGTON,	)	
	)	
Respondent.	)	

Magistrate Judge Leavitt filed a Report and Recommendation on April 22, 2005, recommending that Petitioner's Petition and Amended Petition for Writ of Habeas Corpus (Ct. Rec. 3, 4) be dismissed with prejudice. (Ct. Rec. 45). Petitioner seeks dismissal in federal court because the Washington Supreme Court granted his personal restraint petition. (Ct. Rec. 44). Respondent advises that he does not object to the Petitioner's request. Accordingly,

**IT IS HEREBY ORDERED:**

1. The Magistrate Judge's Report and Recommendation to dismiss Petitioner's Petition for Writ of Habeas Corpus with prejudice (Ct. Rec. 45) is **ADOPTED** in its entirety.

2. The Petitions for Writ of Habeas Corpus (Ct. Rec. 3, 4) are **DISMISSED with prejudice**. The parties shall bear their own costs.

The District Court Executive is directed to enter this Order, prepare and enter judgment accordingly, forward copies to the parties, and close the file.

**DATED** this 9th day of May, 2005.

	<u>S/ Wm. Fremming Nielsen</u>
	WM. FREMMING NIELSEN
05-09	SENIOR UNITED STATES DISTRICT JUDGE